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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

IN RE THE APPLICATION OF : :

JUL 02 2004

MILLER, MIKE : :

OFFICE OF PETITIONS

SERIAL NO. 10/020,739 : :

EXAMINER Douglas D. Watts

FILED: 12/18/01 : :

GROUP ART UNIT 3724

FOR: IMPROVED UNIVERSAL FORK

PETITION TO REVIVE PATENT APPLICATION - UNAVOIDABLY ABANDONED
APPLICATION

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant respectfully requests that the application be revived, that the circumstances made this abandonment unavoidable, due to unknown and unforeseeable reasons that caused the application to abandon.

Applicant filed his patent application on 12/18/01. Following the examiner's office action, the applicant submitted amendments on August 20, 2003. On September 5, 2003, the examiner sent a notice of noncompliance, due to the fact that a marked copy was not enclosed for the examiner, pursuant to revised statutory requirements of June 20, 2003. The examiner gave a one month time period for applicant to respond.

Applicant responded on October 5, 2003, and sent a new marked copy to the examiner, by first class mail. Attorney for Applicant clearly remembers doing this. The document is attached to this motion and noted as "attachment A". The response showed a mailing date of October 5, 2003. The submission did not add anything to the previously submitted amendments, other than mark the claims with all claims listed on the documents.

Applicant's attorney, Bradley P. Sylvester personally remembers mailing this document on said date, and even remembers that it was placed in the mailbox by him personally outside the front door of his office on said date. He also remembers this mailing, due to the fact that this was to conform with recently amended statutory requirements. Bradley P. Sylvester, the attorney for this matter, unequivocally states that he personally placed the submission in the mail on October 5, 2003.

Applicant's attorney subsequently contacted the examiner, because he had not received a reply to the amendments, and felt that too much time was passing since he had last filed the supplemental response. Applicant's attorney was informed that no supplemental response of a marked copy had been received, and the application was going to show that it was abandoned. This was the first time that applicant's attorney was aware that the examiner had not seen the marked copy mailed on October 5, 2003.

Applicant and attorney did not intend for this application to abandon, and it did so without knowledge of Applicant and attorney, and was unavoidable.

Applicant requests that the supplemental response, shown as attachment A, be allowed as having been timely filed, and that if this application is considered abandoned, that it be revived. No extension fees should be required. Applicant's attorney states that the supplemental response was filed timely through first class mail, but for some unknown reason it did not reach the examiner.



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CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that I deposited this correspondence with the U.S. Postal Service as first class mail, in an envelope addressed to:

Mail Stop Petitions
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

with first class postage prepaid, this June 26, 2004.



Bradley P. Sylvester #36,944